

PATENT
ATTORNEY DOCKET NO. 040894-7000
Application No. 10/784,805

REMARKS

The Examiner is thanked for the thorough review and consideration of the pending application. The Non-Final Office Action dated March 26, 2010 has been received and its contents have been carefully reviewed.

Summary of the Office Action

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) being unpatentable over U.S. Publication No. 2002/0118327 to *Um et al.* in view of U.S. Patent No. 6,937,356 to *Ito et al.*, U.S. Patent No. 6,853,841 to *St. Pierre*, U.S. Patent No. 5,469,272 to *Kubota et al.*, and U.S. Patent No. 5,818,364 to *Hintzman et al.*

Summary of the Response to the Office Action

Claims 1-13 are currently pending for reconsideration. No claims have been amended. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein.

All Claims Define Allowable Subject Matter

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) being unpatentable over U.S. Publication No. 2002/0118327 to *Um et al.* in view of U.S. Patent No. 6,937,356 to *Ito et al.*, U.S. Patent No. 6,853,841 to *St. Pierre*, U.S. Patent No. 5,469,272 to *Kubota et al.*, and U.S. Patent No. 5,818,364 to *Hintzman et al.* Applicant respectfully traverses the claim rejections for at least the following reasons.

PATENT
ATTORNEY DOCKET NO. 040894-7000
Application No. 10/784,805

With respect to independent claims 1, 2, 6, and 10, Applicant respectfully submits that *Um et al.*, *Ito et al.*, *St. Pierre.*, *Kubota et al.*, and *Hintzman et al.*, whether taken alone or in combination, do not teach or suggest the claimed combination including at least the feature that a marker indicating that the still image file is a file of a progressive JPEG format is not present in a range from a marker indicating an image start to a marker indicating a scan start. The Office Action acknowledges that the combination of *Um et al.*, *Ito et al.*, *St. Pierre*, and *Kubota et al.*, *Hintzman et al.* overcomes the deficiencies of *Um et al.*, *Ito et al.*, *St. Pierre*, and *Kubota et al.* set forth above. In addition, in the Response to Applicant's arguments filed on February 16, 2009, the Office Action asserts that the presence of the control markers 107 of *Hintzman et al.* such as START OF SCAN, START OF IMAGE, END OF IMAGE, and RESTART, is a way for determining whether the still image file is a file of a progressive JPEG format. Applicant respectfully disagrees. First, the claimed marker indicates that the still image file is in a progressive JPEG format, which is different from other JPEG formats (see page 3, lines 14-21 of the present specification). *Hintzman et al.* fails to disclose that the control marker 107 embedded in the compressed JPEG/MPEG data stream, i.e., the alleged marker in the claimed invention, indicates that a still image file is in a progressive JPEG format. Second, in the claimed invention, a marker indicating that the still image file is a file of a progressive JPEG format is not present in a range from a marker indicating an image start to a marker indicating a scan start. However, examples of the control marker 107 of *Hintzman et al.*, i.e., the alleged marker in the claimed invention, such as START OF SCAN and START OF IMAGE, are present in a range from a marker indicating an image start to a marker indicating a scan start. Therefore, Applicant respectfully asserts that *Hintzman et al.* fails to disclose the claimed invention. Accordingly,

PATENT
ATTORNEY DOCKET NO. 040894-7000
Application No. 10/784,805

Applicant respectfully submits that the rejections of independent claims 1, 2, 6, and 10 should be withdrawn.

Furthermore, claims 3-5, 7-9, and 11-13 depend from allowable independent claims 2, 6, and 10, respectively. Applicant respectfully asserts that these dependent claims also are allowable at least because of the additional features they recite and the reasons set forth above.

PATENT
ATTORNEY DOCKET NO. 040894-7000
Application No. 10/784,805

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully submitted,
Morgan, Lewis & Bockius LLP

By: DRAFT
Mary Jane Boswell
Reg. No. 33,652

Dated: July 1, 2010

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001